

REMARKS

Applicants have carefully considered the October 19, 2007 Office Action, and the amendments above together with the comments that follow are presented in a bona fide effort to address all issues raised in that Action and thereby place this case in condition for allowance. Claims 1-9 were pending in this application. In response to the Office Action dated October 19, 2007, claim 3 has been canceled and claims 1, 2 and 4-9 have been amended. Adequate descriptive support for the present Amendment should be apparent throughout the originally filed claims (claim 3) disclosure as, for example, the depicted embodiments (Figs. 4 and 5) and related discussion thereof in the written description of the specification (numbered paragraph [0044]). Applicants submit that the present Amendment does not generate any new matter issue. Entry of the present Amendment is respectfully solicited. It is believed that this response places this case in condition for allowance. Hence, prompt favorable reconsideration of this case is solicited.

Initially, Applicants respectfully request consideration of the Information Disclosure Statement previously submitted on December 11, 2007. The Examiner is requested to forward Applicants an appropriately initialed copy of the PTO 1449 form with the next Office communication.

The Examiner apparently did not consider the preliminary amendment dated July 18, 2005 which eliminated the multiple dependencies of claims 4-9. The Examiner is requested to acknowledge the preliminary amendment with the next Office communication and withdraw the objection under 37 C.F.R. 1.75(c).

Claims 1 and 7-9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Uemura (U.S. Pat. App. Pub. No. 2002/0040982, hereinafter "Uemura") in view of Bhat et al. U.S. Pat. App. Pub. No. 2003/0025212, hereinafter "Bhat"). Applicants respectfully traverse.

The Examiner asserted that Uemura discloses the subject matter of independent claim 1, but for an angle between a normal to the inclined surface and a crystal surface on which the light-emitting layer grows is equal to an angle at which light emitted by the light-emitting layer is totally reflected toward the translucent substrate. Nonetheless, the Examiner asserted that Bhat, at Fig. 3A, discloses the deficiency of Uemura in a light emitting diode in order to minimize the loss of the emitted light in a light emitting device, as suggested at numbered paragraphs [0007] and [0016]. The Examiner concluded that it would have been obvious to modify Uemura with Bhat in order to minimize the loss of the emitted light in a light emitting device, as suggested by Bhat. Applicants traverse the rejection.

Independent claim 1 has been amended to include the subject matter of dependent claim 3, now cancelled. The rejection is therefore moot since claim 3 was indicated as allowable.

Moreover, none of the cited references disclose or suggest the following claimed features: “a vertical hole formed above the opening so as to penetrate the translucent substrate and the first-conductivity-type semiconductor layer” and “an insulating member filling an opening formed in the second-conductivity-type semiconductor layer” as recited in claim 1.

Dependent claims 2 and 4-6 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Uemura and Bhat and further in view of Kawai et al. (U.S. Pat. App. Pub. No. 2001/0035580, hereinafter “Kawai”). Applicants respectfully traverse.

Claim 2 has been rewritten in independent form. Amended claim 2 is based on original claims 1 and 2, numbered paragraph [0044] of the specification, and Figs. 4 and 5. Applicants submit that Uemura, Bhat and Kawai fail to disclose or suggest every limitation of claim 2 as amended. According to Kawai, an electrode is formed over an entire substrate and, thus, the amount of light transmitted is reduced by the transmissivity of the electrode. By contrast,

according to present claim 2, an electrode is formed on part of a substrate which covers a vertical hole. This makes it possible to alleviate the diminishing of the amount of light emitted from the substrate side. Moreover, the amount of light from below the vertical hole 24 penetrating part or the whole of the first-conductivity-type semiconductor layer 14 is small. Thus, even though the electrode is arranged above the vertical hole 24, it is possible to alleviate the diminishing of the amount of light and to secure a sufficient area for wire-bonding. Accordingly, even if the references are combined, the claimed subject matter of claim 2 would not result.

Amended claim 4 is based on paragraph [0044] of the specification and Figs. 4 and 5. According to dependent claim 4, as with claim 2, it is possible to alleviate the diminishing of the amount of light emitted from the substrate side. Moreover, it is possible to secure a sufficient area for wire-bonding.

Applicants gratefully acknowledge the Examiner's indication of allowable subject matter. Dependent claim 3 was indicated as allowable if recast in independent claim form. Applicants note the Examiner's Statement of Reasons for Allowance included on page 5 of the Office action. Entry of that Statement into the record should not be construed as any agreement with or acquiescence by Applicants in the reasoning stated by the Examiner. The Statement of Reasons for Allowance should not be used to interpret the cited claims, particularly to the extent if any that the Statement of Reasons for Allowance may differ from the express language of the claims and/or the otherwise proper construction of those claims. It is respectfully submitted that the allowed claims should be entitled the broadest reasonable interpretation and broadest range of equivalents that are appropriate in light of the language of the claims and the supporting disclosure, without reference to the Statement of Reasons for Allowance. It is believed that all pending claims are now in condition for allowance. Applicants therefore respectfully request an

early and favorable reconsideration and allowance of this application. If there are any outstanding issues which might be resolved by an interview or an Examiner's amendment, the Examiner is invited to call Applicants' representative at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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